

January 9, 1996

VIA HAND DELIVERY

The Honorable Frank W. Hunger
Assistant Attorney General for the
Civil Division
United States Department of Justice
Tenth Street and Pennsylvania Ave., N.W.
Washington, D.C. 20530

Re: Subpoena Request No. 9 (Frank Ragano) and Accompanying Request of the
Assassination Records Review Board to Confer Immunity Upon Mr. Ragano
In Exchange for His Sworn Testimony Under the JFK Assassination Records Collection Act,
44 U.S.C. § 2107

Dear Mr. Hunger:

Pursuant to the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107, ("JFK Act"), the Assassinations Records Review Board ("Review Board") requests the Department of Justice to issue a subpoena for the testimony and records of Mr. Frank Ragano, who resides at 1126 Shipwatch Circle, Tampa, Florida 33602. The original subpoena is enclosed for your execution. In addition, the Review Board seeks to obtain, pursuant to 18 U.S.C. §§ 6001, 6002 and 6004, the Department of Justice's approval to grant Mr. Ragano immunity both for his testimony and for his production of documents. The Review Board seeks to confer upon Mr. Ragano the full scope of immunity available under those provisions.

The Review Board intends to take the deposition of Mr. Ragano on February __, 1997, in Washington, D.C. with respect to information and notes that Mr. Ragano claims to possess relating to the assassination of President Kennedy. Mr. Ragano is the author, with Selwyn Raab of The New York Times, of a book entitled "Mob Lawyer," which recounts possible organized crime complicity in the assassination of President Kennedy. Mr. Ragano at one time provided legal representation for Santo Trafficante, who has been alleged to have had involvement in the assassination of President Kennedy (attached are excerpts from the book relating to the assassination). Although the Review Board does not advance any particular theory regarding President Kennedy's assassination, including Mr. Ragano's, there has been speculation over the years that organized crime may have been involved. Therefore, a sworn deposition of Mr. Ragano will, we believe, advance the public interest

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in disclosing any pertinent information on President Kennedy's assassination, which is the goal of the JFK Act. The deposition would also allow the Review Board to authenticate certain notes of Mr. Ragano that he claims corroborates the assertions in his book.

We understand that the Department of Justice may have concerns in issuing a subpoena to a former attorney and compelling testimony regarding matters that may be covered under the attorney-client or work product privileges. Let me address those concerns here. First, the conversations that are mentioned in the book do not appear to have been made in the course of seeking legal advice from Mr. Ragano. Second, to the extent the pre-assassination conversations were made in the course of legal representation, they arguably fall within the future crimes exception to the privilege. Third, the substance of the communications regarding the assassination are already published in Mr. Ragano's book. Fourth, Mr. Ragano offers his own explanation for why any privilege is no longer applicable. Without passing on the correctness of his analysis, we note that Mr. Ragano claims that his retirement from the practice of law in 1991 removed any restrictions on his revealing these communications (see page 361 of his book, which is attached hereto).

A grant of immunity is needed to obtain Mr. Ragano's sworn testimony. While Mr. Ragano is willing to travel to Washington, D.C. to testify, he has told the Review Board that he will not testify under oath unless he receives immunity from prosecution of any charges relating to a conspiracy to assassinate President Kennedy. Accordingly, Mr. Ragano is highly likely to refuse to provide his testimony, as well as his notes, on the grounds that his cooperation might be used against him in a criminal prosecution relating to the assassination of the President.

Please grant your approval so that the Review Board can compel Mr. Ragano to testify under oath. A copy of this letter and the enclosures are being forwarded to Edgar Brown, Chief of the Witness Immunity Section, Criminal Division, in order to obtain the appropriate concurring approval from the Assistant Attorney General for the Criminal Division. See 28 C.F.R. § 0.175 (c). In addition, Mr. Ragano's social security number is 265-14-8229 and his date of birth is January 25, 1923, which information we understand is required for making a determination on witness immunity.

If you or the Criminal Division require any further information in considering this request, please contact me or our General Counsel, T. Jeremy Gunn.

Sincerely,

David G. Marwell

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Executive Director

Enclosure

cc: Edgar Brown, Chief, Witness Immunity Section,
Criminal Division (w/enc.)

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**SUBPOENA DUCES TECUM
FOR THE PRODUCTION OF DOCUMENTS
AND APPEARANCE FOR TESTIMONY
BEFORE THE ASSASSINATION RECORDS REVIEW BOARD**

TO: Frank Ragano
1126 Shipwatch Circle
Tampa, Florida 33602

YOU ARE HEREBY REQUIRED AND DIRECTED, PURSUANT TO 44 U.S.C. § 2107, TO APPEAR BEFORE:

T. Jeremy Gunn, General Counsel of the Assassination Records Review Board, at the 600 E Street, N.W., 2d Floor, in Washington, D.C., on February __, 1997 at 10:00 a.m., and at the same time each day thereafter until complete, or at such other time and place to which the parties shall mutually agree, to testify under oath regarding records relating to assassination of President John F. Kennedy.

YOU ARE HEREBY REQUIRED to bring with you, to produce and to make available for inspection and copying or reproduction at said time and place all books, records, correspondence, electronic recordings, photographs, motion pictures, and documents that are in your possession, custody, or control, and which are described in Attachment A hereto.

The production of documentary material in response to this subpoena must be made under a sworn certificate, in the form set forth, by the person to whom this subpoena is directed or, if not a natural person, by a person or persons having knowledge of the facts and circumstances relating to such production.

Inquiries concerning compliance with this subpoena should be directed to T. Jeremy Gunn, General Counsel, Assassination Records Review Board, 600 E Street, N.W., 2nd Floor, Washington, D.C. 20530 (202) 724-0088.

ISSUED AT _____

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THIS _____ DAY OF _____, 199_____

By: _____

FRANK W. HUNGER
Assistant Attorney General

ATTACHMENT A

YOU ARE HEREBY REQUIRED to bring all documents or other records in your possession, custody or control, including memoranda, correspondence, notes, drawings, photographs, tape recordings, and films, that relate to, reflect, or consist of the following:

1. Mr. Frank Ragano's most recent resume;
2. The "some three hundred pages of notes" that Mr. Ragano "had compiled about the most important events of his career and his personal life" and which were provided to Selwyn Raab in 1992. *See Mob Lawyer*, at 4.
3. The originals of Mr. Ragano's "notes," referenced by Mr. Raab in *Mob Lawyer*, "of meetings and conversations with clients" and which "bolstered his [Mr. Ragano's] recollections of numerous discussions with Santo Trafficante and other Mafiosi and with Hoffa and his coterie," including but not limited to notes that refer to or relate to the assassination of President Kennedy. *See Mob Lawyer*, at 5.
4. Any notes or other records that relate to the interview that Mr. Robert Blakey conducted of Mr. Ragano in 1992. *See Mob Lawyer*, at 4-5.
5. Any prior testimony, affidavits, declarations, interviews or other statements of Mr. Ragano, including any transcripts or tapes thereof, to the extent that they refer to or relate to, even in part, the assassination of President Kennedy. This shall include copies of any taped interviews that Mr. Ragano has given to the press or anyone else.
6. All notes the existence of which Mr. Ragano has referred to or otherwise disclosed in his communications with the Assassination Records Review Board.
7. Any other notes or records that relate to the assassination of President Kennedy.

You are NOT required to bring with you any commercially published books, articles, videotapes, or audiotapes (or commercially available research materials) related to the assassination of President John F. Kennedy.

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